UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

STANTON Q. SHELTON,)	
Petitioner,)	
V.)	No. 4:14CV1617 SNLJ
GERARD A. NESTER,)	
Respondent,)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has been adjudicated incompetent in state court proceedings, and he is challenging the appointment of a guardian over his person. Petitioner currently has pending before the Court a previous challenge to the guardianship, Shelton v. Nester, 4:13CV1050 SNLJ-NAB. The subject matter of the instant petition is duplicative of the previous case. As a result, the Court will dismiss the instant petition without prejudice. Additionally, the Court will not issue a certificate of appealability.

Accordingly,

IT IS HEREBY ORDERED that this action is DISMISSED without prejudice.

An Order of Dismissal will be filed separately.

Dated this 23rd day of October, 2014.

STÉPHÉN N. LIMBAUGH, JR. UNITED STATES DISTRICT JUDGE